

Serial No.: 10/790,792
Docket No.: 102-1019
Amendment dated November 7, 2006
Reply to the Final Office Action of September 7, 2006

REMARKS

Claims 1-27 are pending in the application. Claims 23-27 have been withdrawn from consideration by the Examiner. By this Amendment, claims 7 and 15 are amended for clarity. In view of the following remarks, reconsideration and allowance of all of the pending claims are respectfully requested.

A. Allowable Subject Matter

Claim 5 has been indicated as being in condition for allowance. However, Applicants respectfully submit that all of the pending claims are allowable for at least the reasons below.

B. §112, Second Paragraph, Rejection

Claims 7 and 15 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner asserts that the limitations "cleaning an organic material having flown in the wafer" recited in claim 7 and "cleaning an organic material having flown in the print heads" recited in claim 15 are indefinite. Furthermore, the Examiner states that "the claims cannot be further treated on the merits."

By this Amendment, claims 7 and 15 are amended for clarity. Applicants respectfully submit that claims 7 and 15 as amended are clear to one of ordinary skill in the art. Specifically, as disclosed in the present specification, the forming of the preliminary ink passage 2' on the wafer 1 and the dicing of the wafer 1 using the liquid-jet guided laser results in organic materials flowing to the surfaces of the wafer 1. One of ordinary skill in the art would understand that the limitations "cleaning an organic material having flown onto the wafer" as presently recited in claim 7 and "cleaning an organic material having flown onto the print heads" as presently recited in claim 15 refer to removing the organic material that has flown to the surface of the wafer 1 during the forming of the preliminary ink passage 2' and during the dicing of the wafer 1. Because claims 7 and 15 are clear to one of ordinary skill in the art, claims 7 and 15 satisfy the requirements of 35 U.S.C. §112, second paragraph. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

Furthermore, it is improper for the Examiner to refuse to consider claims 7 and 15 on their merits regardless of whether these claims are indefinite. See MPEP §2143.03, which

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states that "a claim limitation which is considered indefinite cannot be disregarded" (emphasis added). Thus, the Examiner must consider the merits of claims 7 and 15.

C. **§103(a) Rejection over Richerzhagen in view of Yamamoto**

Claims 1-4, 6, 9, and 16-22 are rejected under 35 U.S.C. §103(a) as being obvious over Richerzhagen (U.S. Patent No. 5,902,499) in view of Yamamoto (U.S. Patent No. 5,492,660). Applicants respectfully traverse this rejection for at least the following reasons.

1. **Claims 1-4, 6, 9**

The Examiner asserts that Richerzhagen describes a laser and liquid jet for machining. The Examiner further asserts that Richerzhagen describes a system for machining that has a processing module (housing) and that a workpiece is cut using the laser-liquid jet device. Moreover, the Examiner admits that Richerzhagen does not disclose the presence of a wafer or a stage. The Examiner cites Yamamoto to remedy this deficiency of Richerzhagen. Specifically, the Examiner asserts that Yamamoto describes the fabrication of an ink jet head, that an excimer laser beam is irradiated on the discharge port face of the head, and that a stage is moved with a substrate thereon. Thus, the Examiner asserts that "it would have been obvious to one of ordinary skill in the art at the time of the invention to use a stage and a wafer, as taught by Yamamoto in the Richerzhagen process because the stage enhance versatility during fabrication and the use of a wafer is merely a design choice." However, the combination of Richerzhagen and Yamamoto does not teach or suggest, among other things, "processing the ink feeding port in the wafer to a desired depth using the liquid-jet guided laser," as recited in claim 1.

In particular, Richerzhagen describes processing a material with a laser beam that is guided by a liquid jet. See Richerzhagen at col. 1, lines 6-8. Richerzhagen further describes that "material processing" includes cutting, drilling, welding, marking, and material stripping. See Richerzhagen at col. 1, lines 12-15. However, Richerzhagen does not teach or suggest the material processing of any specific material or any specific processing to form a desired feature on the material. Thus, Richerzhagen does not teach or suggest processing of a wafer that constitutes an ink-jet head or forming an ink feeding port in a material to a desired depth using a

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liquid-jet guided laser.

Furthermore, Yamamoto describes an ink jet head having an ink supply port 10 formed by photolithography or injection molding and discharge ports 7 formed using an excimer laser beam 28. See Yamamoto at Fig. 1B and at col. 1, lines 44-49, col. 3, lines 1-6, and col. 6, lines 19-24 and 32-36. However, although Yamamoto describes forming discharge ports 7 using an excimer laser, Yamamoto does not teach or suggest processing the ink supply port 10 to a desired depth using a laser. In fact, Yamamoto actually teaches away from the invention as recited in claim 1 by requiring that its ink supply port 10 is formed specifically by photolithography or injection molding (in contrast to use of a laser). Moreover, the Examiner provides no support as to how the combination of Richerzhagen and Yamamoto teaches or suggests processing Yamamoto's ink supply port 10 to a desired depth using Richerzhagen's liquid-jet guided laser. In particular, Richerzhagen does not teach or suggest any specific processing of a material, other than cutting a hole completely through the work piece 9 of Fig. 1.

Yamamoto only describes using a laser (an excimer laser) to form discharge ports 7 of an ink jet head. Thus, at most the Examiner's hypothetical combination of Richerzhagen and Yamamoto could only describe replacing Yamamoto's excimer laser with Richerzhagen's liquid-jet guided laser to form the discharge ports 7. However, there is no teaching or suggestion – in the absence of the present specification – to process an ink feeding port in a wafer to a desired depth using a liquid-jet guided laser. See MPEP §2142, which states that impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. Furthermore, as discussed above, Yamamoto teaches away from the invention as recited in claim 1 by requiring that the ink supply port 10 be formed by photolithography or injection molding. Accordingly, the combination of Richerzhagen and Yamamoto does not teach or suggest, among other things, "processing the ink feeding port in the wafer to a desired depth using the liquid-jet guided laser," as recited in independent claim 1.

For at least the reasons discussed above, neither Richerzhagen and Yamamoto, alone or in combination, teaches or suggests every limitation of claim 1. Furthermore, for at least the reasons discussed above, the Examiner has not provided any suggestion or motivation to combine Richerzhagen and Yamamoto without impermissibly using hindsight in view of the

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Applicant's disclosure. See MPEP §2142. Accordingly, independent claim 1 would not have been obvious over the combination of Richerzhagen and Yamamoto and is therefore patentable over the combination of Richerzhagen and Yamamoto. Claims 2-4, 6, and 9 depend from claim 1 and thus include all of the limitations of claim 1. Accordingly, these dependent claims would also not have been obvious over Richerzhagen and Yamamoto, and are therefore patentable over the combination of Richerzhagen and Yamamoto for at least the same reasons discussed above with respect to independent claim 1. Thus, reconsideration and withdrawal of this rejection of claims 1-4, 6, and 9 are respectfully requested.

In addition, it is respectfully submitted that Richerzhagen cannot be used in combination with Yamamoto for the purposes of forming an obviousness type rejection for at least the following reasons. In order to rely on Richerzhagen as a basis for an obviousness rejection, Richerzhagen must be analogous prior art. To be analogous prior art, Richerzhagen must either be in the field of the claimed invention, or must be reasonably pertinent to the problem with which the claimed invention is concerned. See In re Oetiker, 977 F.2d 1443 and MPEP §2141.01(a). It is respectfully submitted that Richerzhagen is not in the same field of art as claims 1-4, 6, and 9 are directed to, i.e., Richerzhagen is not in the field of art related to fabricating an ink jet print head. Furthermore, it is respectfully submitted that Richerzhagen is not reasonably pertinent to the problem with which claims 1-4, 6, and 9 are concerned, i.e., Richerzhagen is not reasonably pertinent to forming an ink feeding port through a wafer which constitutes an ink jet print head. Accordingly, Richerzhagen is not analogous art with respect to that recited in claims 1-4, 6, and 9, and therefore cannot be used in combination with another reference to form an obviousness type rejection of claims 1-4, 6, and 9. Thus, for this reason also, claims 1-4, 6, and 9 are patentable over Richerzhagen, alone or in view of Yamamoto.

2. Claim 16

The Examiner asserts that Richerzhagen describes a laser and liquid jet for machining. The Examiner further asserts that Richerzhagen describes a system for machining that has a processing module (housing) and that a workpiece is cut using the laser-liquid jet device. Moreover, the Examiner admits that Richerzhagen does not disclose the presence of a wafer or a stage. The Examiner cites Yamamoto to remedy this deficiency of Richerzhagen.

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Specifically, the Examiner asserts that Yamamoto describes the fabrication of an ink jet head, that an excimer laser beam is irradiated on the discharge port face of the head, and that a stage is moved with a substrate thereon. Thus, the Examiner asserts that "it would have been obvious to one of ordinary skill in the art at the time of the invention to use a stage and a wafer, as taught by Yamamoto in the Richerzhagen process because the stage enhance versatility during fabrication and the use of a wafer is merely a design choice." However, neither Richerzhagen nor Yamamoto teaches or suggests, among other things, "forming the ink-jet head on a wafer using a liquid-jet guided laser," as recited in claim 16.

In particular, Richerzhagen describes processing a material with a laser beam that is guided by a liquid jet. See Richerzhagen at col. 1, lines 6-8. Richerzhagen further describes that "material processing" includes cutting, drilling, welding, marking, and material stripping. See Richerzhagen at col. 1, lines 12-15. However, Richerzhagen does not teach or suggest the material processing of any specific material or any specific processing to form a desired feature on the material. Thus, Richerzhagen does not teach or suggest forming an ink-jet print head on a wafer using a liquid-jet guided laser.

Furthermore, Yamamoto describes an ink jet head having an ink supply port 10 formed by photolithography or injection molding and discharge ports 7 formed using an excimer laser beam 28. See Yamamoto at Fig. 1B and at col. 1, lines 44-49, col. 3, lines 1-6, and col. 6, lines 19-24 and 32-36. However, although Yamamoto describes forming discharge ports 7 in an ink jet head using an excimer laser, Yamamoto does not teach or suggest forming the ink jet print head itself on a wafer using a liquid-jet guided laser. In fact, Yamamoto teaches away from the invention as recited in claim 16 by requiring that the ink jet head be formed specifically by photolithography or injection molding (in contrast to using a liquid-jet guided laser). Moreover, the Examiner provides no support as to how the combination of Richerzhagen and Yamamoto teaches or suggests forming Yamamoto's ink jet head on a wafer using Richerzhagen's laser and liquid jet. In particular, Richerzhagen does not teach or suggest forming any specific structure, other than cutting a hole completely through the work piece 9 of Fig. 1.

Yamamoto only describes using a laser (an excimer laser) to form discharge ports 7 of an ink jet head. Thus, at most the Examiner's hypothetical combination of Richerzhagen and

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Yamamoto could only describe replacing Yamamoto's excimer laser with Richerzhagen's liquid-jet guided laser to form the discharge ports 7 in the ink jet head. However, there is no teaching or suggestion – in the absence of the present specification – to form the ink-jet print head itself on a wafer using a liquid-jet guided laser. See MPEP §2142, which states that impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. Furthermore, as discussed above, Yamamoto actually teaches away from the invention as recited in claim 16 by requiring that the ink jet head is formed specifically by photolithography or injection molding. Accordingly, the combination of Richerzhagen and Yamamoto does not teach or suggest, among other things, "forming the ink-jet print head on a wafer using a liquid-jet guided laser," as recited in independent claim 16.

For at least the reasons discussed above, neither Richerzhagen nor Yamamoto, alone or in combination, teaches or suggests every limitation of independent claim 16. Furthermore, for at least the reasons discussed above, the Examiner has not provided any suggestion or motivation to combine Richerzhagen and Yamamoto without using the knowledge obtained from Applicant's disclosure in an impermissible hindsight type rejection. Accordingly, independent claim 16 would not have been obvious over the combination of Richerzhagen and Yamamoto, and is therefore patentable over the combination of Richerzhagen and Yamamoto. Thus, reconsideration and withdrawal of this rejection of claim 16 is respectfully requested.

In addition, it is respectfully submitted that Richerzhagen cannot be used in combination with Yamamoto for the purposes of an obviousness rejection. In order to rely on Richerzhagen as a basis for an obviousness rejection, Richerzhagen must be analogous prior art. To be analogous prior art, Richerzhagen must either be in the field of the claimed invention, or must be reasonably pertinent to the problem with which the claimed invention is concerned. See In re Oetiker, 977 F.2d 1443 and MPEP §2141.01(a). It is respectfully submitted that Richerzhagen is not in the same field of art as claim 16 is directed to, i.e., Richerzhagen is not in the field of art relating to fabricating an ink jet print head. Furthermore, it is respectfully submitted that Richerzhagen is not reasonably pertinent to the problem with which claim 16 is concerned, i.e., Richerzhagen is not reasonably pertinent to forming an ink jet print head on a wafer. Accordingly, Richerzhagen is not analogous art with respect to that recited in independent claim

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16, and therefore cannot be used in combination with another reference to form an obviousness type rejection of claim 16. See In re Oetiker, 977 F.2d 1443 and MPEP §2141.01(a). Thus, for this reason also, claim 16 is patentable over Richerzhagen, alone or in view of Yamamoto.

3. Claims 17-22

Claims 17-22 depend from claim 16 and thus include all of the limitations of claim 16. Accordingly, these dependent claims also would not have been obvious over Richerzhagen and Yamamoto and are therefore patentable over the combination of Richerzhagen and Yamamoto for at least the same reasons discussed above with respect to claim 16.

In addition, at least claim 21 is patentable over the combination of Richerzhagen and Yamamoto for its own limitations, as well as for depending from claim 1. Specifically, as acknowledged by the Examiner in the Office Action at page 4, Richerzhagen and Yamamoto do not teach or suggest dicing a wafer. Accordingly, the combination of Richerzhagen and Yamamoto also does not teach or suggest "dicing the wafer into a plurality of chips, each having at least one print head, using the liquid-jet guided laser," as recited in claim 21. Thus, for this additional reason, claim 21 is patentable over the combination of Richerzhagen and Yamamoto.

For at least these reasons, claims 17-22 are patentable over the combination of Richerzhagen and Yamamoto. Thus, reconsideration and withdrawal of this rejection of claims 16-22 are respectfully requested.

D. §103(a) Rejection over Richerzhagen in view of Yamamoto and Hashimoto

Claims 8 and 10-14 are rejected under 35 U.S.C. §103(a) as being obvious over Richerzhagen in view of Yamamoto and further in view of Hashimoto (U.S. Patent Application Publication No. 2004/0246292). Applicants respectfully traverse this rejection for at least the following reasons.

1. Claim 10

The Examiner acknowledges that Richerzhagen and Yamamoto do not disclose "dicing of a wafer." Accordingly, Richerzhagen and Yamamoto do not teach or suggest, among other things, "dicing the wafer using the liquid-jet guided laser," as recited in claim 10. However, the

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Examiner then cites Hashimoto for describing dicing an ink jet head wafer using a dicing blade. See Hashimoto at, for example, paragraph [0199]. The Examiner then asserts that it would have been obvious to dice Yamamoto's wafer using Richerzhagen's liquid guided laser based on Hashimoto's description of dicing a wafer using a dicing blade.

However, the Examiner has provided no motivation – in the absence of knowledge derived from Applicants' specification – for one of ordinary skill in the art to replace Hashimoto's dicing blade with Richerzhagen's liquid guided laser to dice Yashimoto's wafer. In other words, there is no suggestion for one of ordinary skill in the art to dice Yashimoto's wafer using Richerzhagen's liquid guided laser as opposed to, for example, dicing Yashimoto's wafer using Hashimoto's dicing blade. See MPEP §2142, which states that impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. Furthermore, as indicated at MPEP §2143.01, "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination."

For at least the reasons discussed above, the Examiner has not provided any suggestion or motivation to combine Richerzhagen and Yamamoto without impermissibly using hindsight in view of the Applicant's disclosure. See MPEP §2142. Thus, one of ordinary skill in the art would not have been motivated, in the absence of the present specification, to combine Richerzhagen, Yamamoto, and Hashimoto to perform an operation of "dicing the wafer using a liquid-jet guided laser," as recited in claim 10. Accordingly, claim 10 would not have been obvious over the combination of Richerzhagen, Yamamoto, and Hashimoto and is therefore patentable over the combination of Richerzhagen, Yamamoto, and Hashimoto. Thus, reconsideration and withdrawal of this rejection of claim 10 are respectfully requested.

In addition, for at least the reasons discussed above, it is respectfully submitted that Richerzhagen cannot be used in combination with Yamamoto and Hashimoto for the purposes of forming an obviousness type rejection for at least the following reasons. In order to rely on Richerzhagen as a basis for an obviousness rejection, Richerzhagen must be analogous prior art. To be analogous prior art, Richerzhagen must either be in the field of the claimed invention, or must be reasonably pertinent to the problem with which the claimed invention is concerned.

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See In re Oetiker, 977 F.2d 1443 and MPEP §2141.01(a). It is respectfully submitted that Richerzhagen is not in the same field of art as claim 10 is directed to, i.e., Richerzhagen is not in the field of art relating to fabricating an ink jet print head. Furthermore, it is respectfully submitted that Richerzhagen is not reasonably pertinent to the problem with which claim 10 is concerned, i.e., Richerzhagen is not reasonably pertinent to dicing a wafer formed with a plurality of print heads. Accordingly, Richerzhagen is not analogous art with respect to that recited in claim 10, and therefore cannot be used in combination with another reference to form an obviousness type rejection of claim 10. See In re Oetiker, 977 F.2d 1443 and MPEP §2141.01(a). Thus, for this reason also, claim 10 is patentable over Richerzhagen, alone or in view of Yamamoto and Hashimoto.

2. Claims 11-14

Claims 11-14 depend from claim 10 and thus include all of the limitations of claim 10. Accordingly, these dependent claims also would not have been obvious over the combination of Richerzhagen, Yamamoto, and Hashimoto and are therefore patentable over the combination of Richerzhagen, Yamamoto, and Hashimoto for at least the same reasons discussed above with respect to claim 10.

In addition, at least claim 14 is patentable over the combination of Richerzhagen, Yamamoto, and Hashimoto for its own limitations, as well as for depending from claim 10. In particular, as acknowledged by the Examiner in the Office Action at page 4, last paragraph, none of Richerzhagen, Yamamoto, and Hashimoto teaches or suggests a laser beam including one of a diode-pumped solid laser beam and a gas laser beam. Thus, the combination of Richerzhagen, Yamamoto, and Hashimoto also does not teach or suggest "the laser beam comprises one of a diode-pumped solid laser beam and a gas laser beam," as recited in claim 14.

For at least these reasons, claims 11-14 are also patentable over the combination of Richerzhagen, Yamamoto, and Hashimoto. Thus, reconsideration and withdrawal of this rejection of claims 10-14 are respectfully requested.

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3. Claim 8

Claim 1, Richerzhagen, and Yamamoto are discussed above. As discussed above, the combination of Richerzhagen and Yamamoto does not teach or suggest, among other things, "processing the ink feeding port in the wafer to a desired depth using the liquid-jet guided laser," as recited in independent claim 1. Hashimoto is further cited by the Examiner for describing dicing an ink jet head wafer using a dicing blade. However, Hashimoto does not remedy the deficiencies of Richerzhagen and Yamamoto, because Hashimoto also does not teach or suggest – in the absence of the present specification – processing an ink feeding port in a wafer to a desired depth using a liquid-jet guided laser. See MPEP §2142, which states that impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. In fact, Hashimoto actually teaches away from the invention as recited in independent claim 1 by requiring that the ink jet head is formed specifically by using a wet etchant etching process (as opposed to using a liquid-jet guided laser). See Hashimoto at, for example, paragraph [0119]. Accordingly, the combination of Richerzhagen, Yamamoto, and Hashimoto also does not teach or suggest among other things, "processing the ink feeding port in the wafer to a desired depth using the liquid-jet guided laser," as recited in independent claim 1.

For at least the reasons discussed above, the combination of Richerzhagen, Yamamoto, and Hashimoto does not teach or suggest every limitation of claim 1. Accordingly, claim 1 would not have been obvious over the combination of Richerzhagen, Yamamoto, and Hashimoto and is therefore patentable over the combination of Richerzhagen, Yamamoto, and Hashimoto. Claim 8 depends from claim 1 and thus includes all of the limitations of claim 1. Accordingly, claim 8 would not have been obvious over the combination of Richerzhagen, Yamamoto, and Hashimoto and is therefore patentable over the combination of Richerzhagen, Yamamoto, and Hashimoto for at least the same reasons discussed above with respect to claim 1.

In addition, claim 8 is also patentable over the combination of Richerzhagen, Yamamoto, and Hashimoto for its own limitations, as well as for depending from claim 1. As discussed above, Richerzhagen and Yamamoto do not teach or suggest dicing a wafer using a liquid-jet

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guided laser. The Examiner then asserts that it would have been obvious to dice Yamamoto's wafer using Richerzhagen's liquid guided laser based on Hashimoto's description of dicing a wafer using a dicing blade. However, the Examiner has provided no suggestion – in the absence of the present specification – for one of ordinary skill in the art to replace Hashimoto's dicing blade with Richerzhagen's liquid guided laser to dice Yashimoto's wafer. See MPEP §2142, which states that impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. Furthermore, as indicated at MPEP §2143.01, "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination." Accordingly, one of ordinary skill in the art would not have been motivated, in the absence of the present specification, to combine Richerzhagen, Yamamoto, and Hashimoto to perform an operation of "dicing the wafer using the liquid-jet guided laser," as recited in claim 8.

For at least the reasons discussed above, claim 8 is patentable over the combination of Richerzhagen, Yamamoto, and Hashimoto. Thus, reconsideration and withdrawal of this rejection of claim 8 are respectfully requested.

E. Restriction Requirement

The Examiner asserts that claims 23-27, which were added by the June 28, 2006, Amendment, "are directed to an invention that is independent or distinct from the invention originally claimed" (claims 1-22). However, the Examiner provides no reasons why claims 23-27 are independent or distinct from claims – other than to merely paraphrase claim 23. In addition, the Examiner has provided no reasons why there would be a serious burden on the Examiner absent such a restriction. See MPEP §808, which requires that the Examiner provide (1) reasons for the restriction (as opposed to a summary of one of the restricted claims) and (2) reasons why there would be a serious burden without the restriction. Because the Examiner has provided neither (1) nor (2), Applicants respectfully submit that the Restriction Requirement is improper.

Furthermore, Applicants respectfully submit that the subject matter of all of claims 1-27 is sufficiently related and that a thorough search for the subject matter of claims 1-22 would necessarily encompass a search for the subject matter of claims 23-27. Thus, it is respectfully

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submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803, which states that: "if the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

F. Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Final Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

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